

37 district application process, and allow for additional density while maintaining
38 compatibility with historic buildings and neighborhoods.

39
40 **PART 2.** Council hereby adopts the historic design standards attached as Exhibit A.

41 **PART 3.** City Code Section 25-2-350 (*Contributing Structure Defined*) is amended to
42 read:

43 **§ 25-2-350 DEFINITIONS [~~CONTRIBUTING STRUCTURE DEFINED~~].**

44 In this division:[7]

45 (A) CONTRIBUTING STRUCTURE means a structure that contributes to the
46 historic character of a historic area (HD) combining district, was built during
47 the period of significance for the district, and which retains its appearance
48 from that time. An altered structure may be considered a contributing structure
49 if the alterations are minor and the structure retains its historic appearance and
50 contributes to the overall visual and historic integrity of the district. A
51 structure is designated as a contributing structure by the ordinance establishing
52 the historic area (HD) combining district.

53
54 (B) HISTORIC DESIGN STANDARDS means the design standards adopted by
55 council and used by property owners, the historic preservation officer, and the
56 commission to evaluate proposed projects in accordance with the requirements
57 of Section 25-11-213 (*Building, Demolition, and Relocation Permits and*
58 *Certificates of Appropriateness Relating to Certain Buildings, Structures or*
59 *Sites*).

60
61 (C) SUPPLEMENTAL STANDARDS means design standards for a historic area
62 (HD) combining district adopted in accordance with the requirements of
63 Section 25-2-356 (*Historic Area Combining District Ordinance*) and to be
64 considered in addition to historic design standards adopted by council where
65 required by Code.

66

67

68 **PART 4.** City Code Section 25-2-353 (*Application Requirements*) is amended to read:

69 **§ 25-2-353 APPLICATION REQUIREMENTS.**

70 (A) An application to designate a structure or site as a historic landmark (H)
71 combining district or an area as a historic area (HD) combining district must
72 demonstrate that the structure, site, or area satisfies the criteria for designation
73 and include the information required by administrative rule.

74 (B) A record owner or the record owner's agent filing an application for an owner-
75 initiated historic landmark (H) designation shall affirm that no person
76 involved in the matter was or will be compensated on a contingent fee basis or
77 arrangement.

78 (C) An applicant may submit supplemental standards as described in Section 25-2-
79 356 (*Historic Area Combining District Ordinance*) as part of an application to
80 designate an area as a historic area (HD) combining district.

81 (~~D~~)(~~E~~)Prior to action by the Historic Landmark Commission on an application to
82 designate an area as a historic area (HD) combining district, the historic
83 preservation officer shall forward the supplemental standards, if any, [a
84 preservation plan submitted as part of an application for a combining district
85 shall be forwarded by the Historic preservation officer] to the Austin Energy
86 Green Building [Builder] (or successor) program for review and written
87 recommendations regarding the opportunity to incorporate sustainable elements
88 into the supplemental standards. [~~These recommendations shall address the~~
89 ~~opportunity to incorporate sustainable elements listed in Subsection 25-2-~~
90 ~~356(C)]. The recommendations shall be provided to all boards and~~
91 commissions and council prior to public hearing and action on the application.

92 **PART 3.** Subsection (B) of City Code Section 25-2-355 (*Historic Landmark*
93 *Commission Review*) is amended to read as follows:

94 (B) If the Historic Landmark Commission recommends designation of a historic
95 landmark (H) or historic area (HD) combining district, it shall send a
96 recommendation to the Land Use Commission and the council that includes:

97 (1) a statement of the reasons for recommending designation of the district;

- 98 (2) a legal description of the boundary of the district;
- 99 (3) maps, photographs, and histories of the structures, sites, or areas located
100 in the district as required by administrative rule;
- 101 (4) findings that support the criteria for designating the district and that
102 establish the importance of the district; and
- 103 (5) for a historic area (HD) combining district, the materials [~~a historic area~~
104 ~~district preservation plan and list of designated contributing structures~~]
105 as] described in Section 25-2-356 (*Historic Area Combining District*
106 *Ordinance* [~~and Preservation Plan Requirement~~]).

107 **PART 4.** City Code Section 25-2-356 (*Historic Area District Ordinance and*
108 *Preservation Plan Requirement*) is amended to read as follows:

109 **§ 25-2-356 HISTORIC AREA COMBINING DISTRICT ORDINANCE [AND**
110 **PRESERVATION PLAN REQUIREMENT].**

- 111 (A) An ordinance zoning or rezoning property as a historic area (HD) combining
112 district must:
- 113 (1) describe the character-defining features of the district;
- 114 (2) adopt supplemental standards, if any [~~include a plan to preserve those~~
115 ~~features~~]; and
- 116 (3) list the designated contributing structures.
- 117 (B) Supplemental standards [~~A preservation plan~~]:
- 118 (1) may modify regulations relating to building setbacks, building height,
119 compatibility, landscaping, parking, or signs; [~~or~~]
- 120 (2) may prescribe regulations relating to design, scale, or architectural
121 character of, or materials for:
- 122 (a) the exterior of a contributing structure or a new structure; and [~~or~~]

123 (b) public facilities, including street lighting, street furniture, signs,
124 landscaping, utility facilities, sidewalks, and streets[-]; and

125 (3) must be consistent with the historic design standards and be based on the
126 features and characteristics of the district.

127 ~~[(C) Consistent with the character defining features of the district described under~~
128 ~~Subsection (A)(1), a preservation plan proposed under Subsection (B) may~~
129 ~~allow and encourage property owners to utilize various external materials and~~
130 ~~mechanisms to promote sustainability, including but not limited to roofing~~
131 ~~systems, solar technologies, energy generation and efficiency, water collection~~
132 ~~and reuse, rain collection systems and drought tolerant, native, and edible~~
133 ~~landscaping and gardens.]~~

134 **PART 5.** Subsection (A) of City Code Section 25-11-212 (*Certificate Required*) is
135 amended to read:

136 (A) Until a person obtains a certificate of appropriateness from the Commission or the
137 building official, the person may not:

138 (1) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural
139 or site feature of a designated historic landmark or a contributing structure,
140 whether or not a building or demolition permit is required, and including but
141 not limited to the replacement of windows, doors, exterior siding materials,
142 installation of shutters or exterior lighting, or the replacement of roof materials;
143 [ø]

144 (2) change, restore, remove or demolish an exterior architectural or site feature of
145 a structure for which a designation is pending under Section 25-11-214~~[3]~~
146 (*Pendency Of Designation*);~~[-]~~ or

147 (3) construct a new, standalone, ground-up structure on a historic landmark (H)
148 property or within a historic area (HD) combining district.

149 **PART 6.** City Code Section 25-11-213 (*Building, Demolition, and Relocation Permits*
150 *and Certificates of Appropriateness Relating to Certain Buildings, Structures or Sites*) is
151 amended to add new Subsections (K) and (L) to read:

152 (K) For properties subject to 25-11-212 (*Certificate Required*), the historic
153 preservation officer and the commission shall consider the United States
154 Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal
155 Regulations Section 67.7(b) and:

156 (1) except as provided in Subsection (K)(2), the historic design standards
157 and the supplemental standards, if any; or

158 (2) for a property located within an area designated as historic area (HD)
159 combining district prior to the effective date of this ordinance, the
160 design standards applicable to that district.

161 (L) Owners of properties located within a National Register Historic District are not
162 required to comply with the historic design standards for new construction or
163 alterations to existing contributing buildings; however, projects within such
164 districts subject to the requirements of this section are subject to advisory
165 review by the historic preservation officer and the commission, which shall
166 consider the historic design standards in making their recommendations.

167 **PART 7.** City Code Section 25-11-243 (*Action on a Certificate of Appropriateness*) is
168 amended to read:

169 **25-11-243 ACTION ON A CERTIFICATE OF APPROPRIATENESS**

170 (A) This section applies to an application under Section 25-11-212 (*Certificate*
171 *Required*) [~~25-11-241(A) or (B) (Application For Certificate)~~].

172 (B) If the commission determines that the proposed work will not adversely affect
173 a significant architectural or historical feature of the designated historic
174 landmark or historic area combining district:

175 (1) the commission shall issue a certificate of appropriateness; and

176 (2) the commission shall provide the certificate to the building official not later
177 than the 30th day after the date of the public hearing.

178 (3) The building official shall provide the certificate to the applicant not later
179 than the fifth day after the day the building official receives the certificate
180 from the commission.

181 (C) If the commission determines that the proposed work will adversely affect or
182 destroy a significant architectural or historical feature of the designated
183 historic landmark or historic area combining district:

184 (1) the commission shall notify the building official that the application has
185 been disapproved; and

186 (2) the commission shall, not later than the 30th day after the date of the public
187 hearing notify the applicant of:

188 (a) the disapproval; and

189 (b) the changes in the application that are necessary for the commission's
190 approval.

191 (D) For properties subject to Section 25-11-212 (*Certificate Required*), the historic
192 preservation officer and the commission shall consider the United States
193 Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal
194 Regulations Section 67.7(b) and:

195 (1) except as provided in Subsection (D)(2), the historic design standards
196 and the supplemental standards, if any; or

197 (2) for a property located within an area designated as historic area (HD)
198 combining district prior to the effective date of this ordinance, the
199 design standards applicable to that district.

200 (E) Owners of properties located within a National Register Historic District are not
201 required to comply with the historic design standards for new construction or
202 alteration to existing contributing buildings; however, projects within such
203 districts subject to the requirements of Section 25-11-213 (*Building,*
204 *Demolition, and Relocation Permits and Certificates of Appropriateness*
205 *Relating to Certain Buildings, Structures or Sites*) are subject to advisory
206 review by the historic preservation officer and the commission, which shall
207 consider the historic design standards in making their recommendations.

208 **PART 7.** This ordinance takes effect on _____, 2022.

209

210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226

PASSED AND APPROVED

_____, 2022

§
§
§

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Myrna Rios
City Clerk

DRAFT